

REMARKS

In the Office Action of May 29, 2002, the office rejected claim 18 under 35 U.S.C. 102(b) as being anticipated by the reference of Ingram, rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable over Ingram, and rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over the combination of the reference of Ingram and the reference of Behensky. Claims 1-17 were previously canceled since claims of similar scope were allowed in the parent case.

In regards to the claims

Claim 19 has been amended. The applicant submits that claim 19 was only amended to correct grammatical errors.

Rejection under 35 U.S.C. 102(b)

In the above-identified office action, the office rejected applicant's claim 18 under 35 U.S.C. 102(b) as being anticipated by the reference of Ingram. In rejecting claim 18, the office held that:

"The patent to Ingram shows a two stage fishing bobber having a main body 10 and a member 12 resiliently displaceable with respect to the bobber main body in response to a force on the member as disclosed in column 2, lines 20-30." (See page 3, lines 1-3 of the office action.)

The applicant disagrees to the above rejection. The applicant's claim 18 calls for:

"a member resiliently displaceable with respect to said bobber main body in response to a force on said member with the force on said member sufficient to

overcome at least some if not all of the buoyant force of the bobber main body to thereby allow the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide gradual resistance.” (Emphasis added.)

The advantage of providing for a gradual resistance is that:

“the fish does not notice the sharp resistance of the bobber as the bobber is submerged and is less likely to spit out the bait. That is instead of the fish facing an abrupt jerk on the line by submerging the bobber the fish receives a gradual pull on the line as the spring is compressed and then a further tug as the bobber is submerged. However, since there is already a resistance on the line from compressing the spring the submersion of the bobber does not produce a sharp increase in the force which might cause the fish to spit out the hook.” (Emphasis added, see page 14, lines 18-25 of the applicant’s disclosure.)

The reference of Ingram does not teach “the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide gradual resistance.” To the contrary, Ingram in column 2, lines 20-26 specifically states that:

“as a fish strikes the lower end of the line, the attached stem will move downwardly through the bore of the body until the top of the stem is flushed with the top surface of the body; the body then is subject to the downward pull on the line and will disappear from sight below the surface of the water.” (Emphasis added.)

Since Ingram’s attached stem submerges before the body of his fishing float, Ingram’s fishing float thus does not provide for a “gradual resistance.” As a result, the submersion of Ingram’s body 10 will produce an abrupt jerk or a sharp increase in the force, which might cause the fish to spit out the hook.

It is for the above that the applicant submits that claim 18 is not anticipated by the reference of Ingram.

Rejection under 35 U.S.C. 103(a)

In regards to the applicant's claim 19, claim 19 calls for:

“the force to displace said member to a down position is substantially equal to the buoyant force of the bobber main body so that the when the member is in the down position the bobber main body is submerged.”

The Office rejected the applicant's claim 19 under 35 U.S.C. 103(a) as being unpatentable over the reference of Ingram. In rejecting claim 19, the Office held that:

“it would have been obvious to employ a force to displace the member to a down position equal to the buoyant force of the bobber main body so that when the member is in the down position the bobber main body is submerged since this is merely a matter of design choice since not stated problem is solved.” (Page 3, lines 14-17.)

The applicant respectfully but strenuously disagrees with the above. As the Office noted on page 3, lines 13-14, the reference of Ingram “shows a two stage fishing bobber which forces down the member and then the main body.” (Emphasis added.) As referred to in the applicant's 102(b) response and on page 14, lines 18-25 of the applicant's disclosure, by forcing Ingram's member down first and then his main body, Ingram's fishing float will not provide for a gradual resistance. As a result, the submersion of Ingram's body 10 will produce an abrupt jerk or a sharp increase in the force, which might cause the fish to spit out the hook, The abrupt jerk or a sharp increase in the force results from the force

required to displace Ingram's member to a down position being different from the buoyant force of the bobber main body.

In further regards to claim 19, since providing a force to displace a member to a down position substantially equal to the buoyant force of the bobber main body will operate to reduce or eliminate the abrupt jerk or the sharp increase in force resulting from the submersion of bobber main body (thereby reducing some of the factors which might cause a fish to spit out a hook), the applicant submits that the above is not a matter of design choice.

As such, the applicant submits for the above reasons that the applicant's claim 19 is patentable over the reference of Ingram.

In regards to the applicant's claim 20, the Office rejected the applicant's claim 20 under 35 U.S.C. 103(a) as being unpatentable over the combination of Ingram and Behensky.

In rejecting claim 20, the Office held that:

"The patents to Ingram and Behensky show fishing floats. Ingram has been discussed above and does not show a spring. The patent to Behensky shows a resiliently displace able member 10, 15 with a spring 16. in reference to claim 20, it would have been obvious to provide Ingram with a displace able member as shown by Behensky since merely one equivalent mechanical member is being replaced with another to hold the fishing line in the bobber main body." (Page 3, lines 20-21 and page 4, lines 1-3.)

The applicant respectfully disagrees to the Office's combination of Ingram and Behensky in rejecting the applicant's claim 20. Although the applicant agrees with the Office that

both of the references show fishing floats, the applicant submits that it would not have been obvious to combine the references since their combination would result in a device that would be ineffective for the intended purpose of both of the references.

Ingram in column 1, lines 12 and 19 and column 2, lines 33-34 specifically states that the novelty of his device is by the "nature of its relatively moveable parts," more specifically, the relative moveability of Ingram's stem with respect to his fishing float body. In column 2, lines 26-30, Ingram further discloses that the moveability of his stem provides for an indication of a striking fish "by the disappearance of the stem within the buoyant body."

Behensky, on the other hand, in his column 1, lines 2-6 specifically discloses "a float which is capable of securing and releasing a fishing line to permit adjusting the float in accordance with the depth of the water where it is to be employed." Behensky accomplishes the above by his use of a spring:

"positioned about the cylindrical tube 10 and bears against the cap member 15 and the shoulder 8 of the cylindrical sleeve 4 to exert an upward force on the tube 10, which urges the flared portion 11 thereof towards the tapered seat 9 of the sleeve 4 to firmly grip a line passing therebetween." (See column 3, lines 25-32.)

In column 3, lines 54-60, Behensky states that in order to release his float from the line for the purpose of adjustment, force is required to be exerted "on the upper side of the cap member 15, sufficient to overcome the force exerted by the spring 16, thus causing the flared portion 11 of the tube 10 to release the line, allowing the float to be positioned at

the desired point along the line.’ (Emphasis added.) As such, the applicant submits that Behensky’s purpose for use of his spring 16 is to lock his fishing line to the float by squeezing his fishing line between two surfaces to prevent movement of his fishing line with respect to his float. Ingram on the other hand uses a wedge element 18 to hold his fishing line in his stem 12.

Replacing the wedge element 18 of Ingram with the spring 16 of Behensky will result in a float that will release the fishing line by the downward movement of stem member 15 since the device will lack two surfaces, which lock the fishing line to thereby prevent movement of the fishing line. On the other hand, placing Behensky’s spring 16 around Ingram’s stem member 15 will prevent stem member 15 from being displaceable with respect to the float body 10. In order to provide for an indication of a striking fish, the fish thus must exert sufficient pull to overcome the force required for the submersion of both the stem member 15 and the float body 10.

It is for the above that the applicant submits that providing “Ingram with a displaceable member as shown by Behensky” would destroy the novelty of the “relatively moveable parts” of Ingram’s fishing float since Behensky’s displaceable member is not permitted to move unless sufficient external force is exerted against the upper side of his cap member 15. In addition, the relative moveable parts of Ingram’s fishing float will prevent Behensky’s displaceable member from firmly gripping a fishing line.

In addition, the applicant further submits that even if one were to combine the references of Ingram and Behensky, their combination still does not make the applicant's claim 20 obvious. The applicant's claim 20 calls for:

“a spring having a spring constant that is about equal to the spring constant of the bobber in water or the total force to compress the spring with respect to the bobber main body is approximately equal to the total force to submerge the bobber main body and the resiliently displaceable member.”

The combination of Ingram and Behensky does not teach the above.

In further regards to the applicant's claims 19 and 20, claims 19 and 20 each add additional limitations to independent claim 18. Since independent claim 18 is patentable for the reasons given above, applicant submits that dependent claims 19 and 20 are also patentable.

In view of the above, it is submitted that the application is in condition for allowance. Allowance of amended claims 18-20 is respectfully requested. Applicant has enclosed a marked-up version of the amendment showing changes made with this response.

VERSION OF AMENDMENTS SHOWING MARKINGS

In the Claims

Please amend the claims as follows:

19. The two stage fishing bobber of claim 18 wherein the force to displace said member to a down [postion] position is substantially equal to the buoyant force of the bobber main body so that the when the member is in the down [postion] position the bobber main body is submerged.

Respectfully submitted,

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